



**Thomas More
SOCIETY**

A national public interest law firm defending life, family and religious liberty.

August 26, 2022

Hon. Philip M. Halpern
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

**Re: Jane Doe, et al. v. County of Westchester, et al.
Case No. 7:22-cv-6950 PMH**

Dear Judge Halpern:

For the reasons more amply explained in the supporting Memorandum of Law, with complete citations to factual sources, Plaintiffs seek leave to proceed under pseudonyms.

Factually, the request is based on the climate of violence, threats of violence, and vandalism following the leaking of the draft opinion in *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2234 (2022), overruling *Roe v. Wade*, on May 2, 2022, and the handing down of that opinion by the Court in final form on June 24, 2022. That climate includes:

(a) the “doxing” of Justices Alito, Barrett, Gorsuch and Kavanaugh and the unprecedented massing of demonstrators in front of the Justices’ homes to curse, revile and intimidate them in violation of 18 U.S.C. § 1507;

(b) the attempted assassination of Supreme Court Justice Brett Kavanaugh at his home on June 8, 2022, for which the perpetrator has been indicted for attempted murder;

(c) the targeting of Justice Barrett’s children for confrontation by a group called “Ruth Sent Us,” identifying the school they attend;

(d) On July 1, 2022, an attack by 40-50 masked demonstrators belonging to a group that calls itself “Reproductive Justice Union” on the home of attorney Thomas Brejcha, President of Thomas More Society (TMS), the pro-life national public interest law firm whose undersigned Special Counsel represents the

Plaintiffs herein. The attack followed circulation of a “doxing” poster identifying attorney Brejcha as the target. The masked demonstrators dropped smoke bombs, surged onto the lawn of Attorney Brejcha’s home, and hurled paint bombs at the brick front of the house, porch, and door, staining the property with green paint, uprooted a rose bush, and inked the sidewalk and driveway with “F” words, anarchist symbols (circled capital “A”), and slogans, including “No Gods, No Rulers,” and “Abort the Supreme Court.”

(e) a nationally orchestrated wave of violence, threats of violence and intimidation by radical pro-abortion groups against churches, pro-life pregnancy centers, groups and individuals under the banner ***“If abortions aren’t safe, neither are you.”***¹

(f) After the fire-bombing of a pro-life crisis pregnancy center in Wisconsin, “Jane’s Revenge” issued its “First Communiqué,” stating as follows: “Again, this was only a warning. Next time the infrastructure of the enslavers will not survive. Medical imperialism will not face a passive enemy. Wisconsin is the first flashpoint, but we are all over the US, and we will issue no further warnings.... We are not one group, but many. We are in your city. ***We are in every city....***”² (emphasis added)

(g) In keeping with this threat, pro-life pregnancy centers across the nation have been subjected to arson and other attacks.³ As “Jane’s Revenge” declared on June 15, 2022: “You have seen that we are real, and that we are not merely pushing empty words... **You’ve read the communiqués from the various cells, you’ve seen the proliferating messages in graffiti and elsewhere, and you know that we are serious.**”⁴ “Jane’s Revenge” also issued a manifesto declaring that *“demure little rallies for freedom”*

¹ See, e.g., <https://www.foxnews.com/us/miami-pro-life-clinic-vandalized-abortion-arent-safe-neither-are-you>; <https://twitter.com/nytimes/status/1523626376330362880?lang=en>; <https://www.wsfa.com/2022/06/25/vandals-hit-vermont-statehouse-if-abortion-arent-safe-youre-not-either/>; <https://www.kktv.com/2022/06/27/fire-colorado-pregnancy-center-being-investigated-arson-wake-roe-v-wade-reversal/>;

² See <https://janesrevenge.noblogs.org/2022/05/08/first-communicue/>

³ See <https://www.msn.com/en-us/news/politics/protesters-vandalize-firebomb-pro-life-centers-in-weekend-of-violence-following-dobbs-decision/ar-AA9V66r>

⁴ See <https://janesrevenge.noblogs.org/2022/06/15/janes-revenge-another-communicue/>

would not suffice as a response to the Dobbs ruling, calling instead for “rage” and “anger”, and insisting that “the state [must] feel our full wrath”...“We cannot sit idly by anymore while our anger is yet again channeled into Democratic party fundraisers and peace parades with the police.”⁵ The manifesto issued by “Jane’s Revenge” called upon the organization’s adherents to take up “direct and militant action”... “carrying that anger out into the world and expressing it physically”... “mak[ing] your anger known” and “reach[ing] out to communities who may not be in touch with ‘radical circles’ online . . . We need to express this madness fully and with ferocity. We need to quit containing ourselves.”⁶

(h) In New York State, the firebombing of a pro-life pregnancy center in Buffalo, administered by the CompassCare organization, followed by abortion activists encouraging followers to locate the home of CompassCare CEO Jim Harden. Harden’s wife and young children had to be relocated.⁷

(i) In New York State, numerous acts of vandalism against Catholic Churches by abortion activists. In New York City, Father Brian Graebe, pastor of Saint Patrick’s Old Cathedral told Fox News “We have received a number of threats to bomb the church, burn it down.”⁸ In yet another incident of violence in New York, St. Margaret’s Roman Catholic Church on Hertel Avenue in Buffalo, New York, was vandalized on June 22. Several religious statues in the church’s garden were beheaded and vandalized.⁹ Also vandalized was the Church of the Ascension in Manhattan.¹⁰ And, on August 6, 2022, pro-abortion activists attacked a pro-life group gathered at The Basilica of St. Patrick’s Old Cathedral in lower Manhattan to pray for an end to abortion. The pro-life activists were ultimately constrained to take refuge in the Cathedral as the pro-abortion protestors threatened them and called them “Nazis”.¹¹

⁵ See <https://janesrevenge.noblogs.org/2022/05/30/night-of-rage/>

⁶ *Id.*

⁷ See <https://www.liveaction.org/news/state-experienced-pro-abortion-violence/>

⁸ *Id.*

⁹ See <https://www.liveaction.org/news/pregnancy-centers-churches-arson-vandalism-rage/>

¹⁰ <https://www.americamagazine.org/politics-society/2022/06/28/church-vandalism-abortion-243252>

¹¹ <https://www.foxnews.com/us/multiple-arrested-new-york-city-pro-abortion-protesters-shout-down-catholic-parishioners-outside-church>

In view of this continuing nationwide wave of violence and threats of violence by militant pro-abortion groups since the decision in *Dobbs*, including a violent attack on the home of the head of the very public interest law firm that provides representation to Plaintiffs herein, Plaintiffs reasonably fear that because they have brought this suit, which will attract considerable publicity, they will be “doxed” and that their homes, businesses and family members will be subjected to force, threats of force, violence, trespass, vandalism, and other unlawful activity in retaliation.

The Second Circuit recognizes Plaintiffs’ right to proceed pseudonymously when their interest in anonymity outweighs “the public’s interest in disclosure and any prejudice to the defendant.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008). The Second Circuit has adopted a non-exclusive multi-factor balancing test to resolve this question, see *id.*, 537 F.3d at 190, and Plaintiffs easily meet at least the following factors:

First, identification poses a substantial “risk of retaliatory physical or mental harm” to Plaintiffs. *Id.*

Second, Plaintiffs are “particularly vulnerable” to these consequences because they are isolated individuals without a security force or any other means of self-defense. *Id.*

Third, Plaintiffs are challenging “the actions of government” and would thus be admitting to designs to engage in “prohibited conduct” when that conduct is being demonized by local politicians from the bully pulpit of the Legislative Chamber. *Id.*

Fourth, the Defendants are not prejudiced by allowing the adult Plaintiffs to proceed pseudonymously where, as here, “because of the purely legal nature of the issues presented... there is an atypically weak public interest in knowing the litigants’ identities.” *Id.*

Finally, the Second Circuit, citing *Sealed Plaintiff*, has recently clarified that “denial of [a] motion to proceed anonymously [is] an appealable *collateral* order. Accordingly, we have jurisdiction to consider this appeal.” *United States v. Pilcher*, 950 F.3d 39, 41 (2d Cir. 2020)(emphasis added).

Respectfully submitted,

s/Christopher A. Ferrara

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P.S. I respectfully request that any pre-motion conference on in this matter, or on the other two pre-motion conference requests, be scheduled for a date other than September 8-9, when I will be traveling to an advertised conference I am addressing in Illinois, and September 16, when I have a longstanding binding personal commitment.